IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 28540 of 2006(V)

PETITIONER:

C. SUDHEER, S/O. LATE PONNAN,
SUB REGISTRAR, SUB REGISTRAR'S OFFICE,
THIRURANGADI, MALAPPURAM DISTRICT.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

RESPONDENTS:
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1. THE INSPECTOR GENERAL OF REGISTRATION,
THIRUVANANTHAPURAM.

2. THE DISTRICT REGISTRAR (GENERAL)
KOZHIKODE.

3. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
REGISTRATION DEPARTMENT, THIRUVANANTHAPURAM.

BY ADV. SRI. BIJOY CHANDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/12/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 28540 of 2006

Dated this the 20th day of December, 2006

JUDGMENT

In implementation of the judgment of the Hon'ble Supreme Court, the respondents have published a provisional seniority list of L.D.Clerks in the Registration Department as on 1.1.1981. Ext.P1 is the list thus published on 18.12.2006. The petitioner raised Ext.P2 objection against the seniority assigned to him in Ext.P1 contending that he was not granted inter district transfer in terms of G.O.(M.S.) No.4/PD dated 2.1.1961 and hence he is entitled to count his seniority with effect from 7.2.1980. The request made by the petitioner was rejected as per Ext.P3 order dated 20.9.2006 passed by the I.G. of registration, along with other objections filed by those included in Ext.P1. Learned counsel for the petitioner submits that the objection has been turned down mechanically and without verifying the correctness of the facts stated by the petitioner in his objection. The petitioner has filed Ext.P4 representation before the third respondent raising the same objection. Learned counsel submits that urgent orders are required on Ext.P4 since the service prospects of the petitioner will be adversely affected by the delay.

2. The contention of the petitioner that he did not request for a

transfer from his parent district to the other district in terms of G.O. (MS)4/6/ and was not willing to forfeit his seniority is a factual aspect to be examined by the third respondent with reference to relevant records. Hence, appropriate decision shall be taken by the third respondent on Ext.P4 within two months on the petitioner producing a copy of this judgment. Needless to state that the order thus passed shall be communicated to him immediately. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the third respondent for information and compliance.

K.K.DENESAN, JUDGE

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